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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/075,861	02/14/2002	Timothy Andreas Meserth	RPS920010150US1	9416

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EXAMINER

HANNE, SARA M

ART UNIT PAPER NUMBER

2179

DATE MAILED: 04/26/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b> 10/075,861	<b>Applicant(s)</b> MESERTH ET AL.	
	<b>Examiner</b> Sara M Hanne	<b>Art Unit</b> 2179	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
  - If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
  - If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
  - Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 29 November 2004.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1-21 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-21 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)  | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date <u>11/29/04</u> | 6) <input type="checkbox"/> Other: _____  |

*Handwritten mark*

## DETAILED ACTION

### *Claim Rejections - 35 USC § 103*

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1-21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Takahashi et al., US Patent 5999162, and further in view of Balassanian, US Patent 6507349.

Takahashi et al. teaches an icon as a portion of the display (winding-up position line, Figure 10) determining the position of the icon (predetermined) and refreshing the graphical representation responsive to receiving a new data point (Column 4, lines 45-53), wherein the position of the icon determines how much historical data is retained in the refreshed display (Column 2, lines 11-20). While Takahashi et al. teaches refreshing the display where the amount of information to be retained is based on a user determined position, they fail to show the user positionable icon as a portion of the display as recited in Claims 1, 8 and 15. In the same field of the invention, Balassanian teaches a graphical display with data adjustment similar to that of Takahashi et al. In addition, Balassanian further teaches a user-positionable icon as a portion of the display controlling the amount of information to be retained onscreen (Figures 4L and 4M with corresponding text). It would have been obvious to one of ordinary skill in the art, having the teachings of Takahashi et al. and Balassanian before him at the time the

invention was made, to modify refreshing of the display where the amount of information to be retained is based on a user determined position taught by Takahashi et al. to include the user-positionable icon of Balassanian, in order to obtain an interface for controlling the amount of information to be retained when the screen is refreshed. One would have been motivated to make such a combination because an interactive and runtime control for setting the desired display area would have been obtained, as taught by Balassanian.

As in Claims 2, 9 and 16, Takahashi teaches the graphical representation to be refreshed when the graphical representation is full (Column 2, lines 15-21).

As in Claims 3, 10 and 17, Takahashi teaches shifting all data points horizontally by a displacement, the displacement determined by the position of the icon ("moving the graph to a predetermined position toward the one end of the display screen", Column 2, lines 14-16).

As in Claims 4, 11 and 18, Takahashi teaches appending a new data point to the display without discarding any historical data when the display is not full (Column 2, lines 15-21).

As in Claims 5, 12 and 19, Takahashi teaches the position of the icon determining the location of the first new data point occurring after the display is refreshed (Column 7, lines 42-47).

As in Claims 6, 13 and 20, Takahashi teaches the representation including a left side vertical axis and a right side vertical axis, wherein data points in proximity to the

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left-side vertical axis are older than data points in proximity to the right-side vertical axis (Column 5, lines 7-14, Figures 10-11 and corresponding text).

As in Claims 7, 14 and 21, Takahashi teaches the positioning of the icon at the left-side vertical axis will erase all historical data when the representation is refreshed and wherein positioning of the icon at the right side vertical axis will erase a single data point when the representation is refreshed (Columns 7-8, lines 61-6, respectively).

### ***Response to Arguments***

Applicant's arguments, see Remarks filed 11/29/04, with respect to the rejection(s) of claim(s) 1-21 under 35 U.S.C. 103(a) have been fully considered and are persuasive. Therefore, the rejection with respect to Lefave has been withdrawn as to the request submitted.

However, upon further consideration, a new ground(s) of rejection is made under 35 U.S.C. 103(a) as being unpatentable over Takahashi et al., and further in view of Balassanian.

**Conclusion**

The prior art made of record on form PTO-892 and not relied upon is considered pertinent to applicant's disclosure. Applicant is required under 37 C.F.R. § 1.111(c) to consider these references fully when responding to this action. The documents cited therein teach similar graphical display controls and slider bars.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sara M Hanne whose telephone number is (703) 305-0703. The examiner can normally be reached on M-F 7:30am-4:00pm, off on alternating Fridays.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Heather R Herndon can be reached on (703) 308-5186. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

smh

  
BA HUYNH  
PRIMARY EXAMINER